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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Siepel et al.	Examiner:	Lien Tran
Serial No.:	09/936,621	Group Art Unit:	1761
Confirmation No.:	7146	Docket:	294-109 PCT/US
Filed:	September 11, 2001	Dated:	October 15, 2004
For:	Ingredients for Expanded Foods		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner,
mailed April 15, 2004, finally rejecting Claims 1-3, 9-11 and 13-15.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☒ other than a small entity.
☐ small entity.

A verified statement claiming small entity status

- ☐ is attached.
☐ was already filed on _____.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

- ☒ Deposited with the United States Postal Service with sufficient
postage as first class-mail in an envelope addressed to the
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

David S. Spore
Signature

Date: October 15, 2004

FACSIMILE

☐ Transmitted by facsimile to the
Patent and Trademark Office

2. **FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$170.00
<input checked="" type="checkbox"/>	other than small entity	\$340.00

Notice of Appeal fee due **\$340.00**

3. **EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

(A) ☒ Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension (months)	Fee for Other than Small Entity	Fee for Small Entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$215.00
<input checked="" type="checkbox"/>	three months	\$ 980.00	\$490.00
<input type="checkbox"/>	four months	\$1,530.00	\$765.00

Fee due for indicated extension **\$980.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☒ An extension for 1 months has already been secured. The fee paid therefor of **\$110.00** is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request = **\$870.00**

(B) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ <u>340.00</u>
Extension fee (if any)	\$ <u>870.00</u>

TOTAL FEE DUE **\$ 1210.00**

(Notice of Appeal from the Primary Examiner to Board Page 2 of 3)

5. **FEE PAYMENT**

☒ Attached is a check in the sum of **\$1210.00**

☐ Charge Account No. _____ the sum of \$

A duplicate of this transmittal is attached.

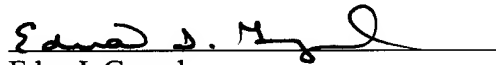
6. **FEE DEFICIENCY**

☒ If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

☒ If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,



Edna I. Gergel
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